

## Rule 375-3-3-.09 Extension of Temporary Driving Permits

### (1) Extension of ~~30-45~~-day temporary driving permit-

- (a) At the time a law enforcement officer takes a person's driver's license for refusal to submit to chemical testing or because the person's blood alcohol concentration is at a level requiring administrative license suspension, the officer shall issue the person a ~~30-45~~-day temporary driving permit. This temporary driving permit shall be on DDS Form 1205 and shall be valid until the expiration of ~~30-45~~ days from the incident date.
- (b) If the person ~~timely~~ files an appeal of the license suspension within 30 days, the Department shall extend the temporary driving permit for an additional 90 days, but not beyond the date when the person's driving privilege is suspended or revoked.
- (c) The 90-day extension will be a DDS ~~f~~Form which, when accompanied with the driver's copy of DDS Form 1205, will serve as the temporary driver's permit for the 90-day extension.
- (d) The Department may issue an extension of the 90-day temporary driving permit upon receipt of documentation from the Office of State Administrative Hearings (OSAH) indicating that a final decision has not yet been entered in the case and will not be entered prior to the expiration of the temporary driving permit.
- (e) In the event an officer issues a DDS Form 1205 to a person whose driver's license or driving privilege is otherwise valid, but neglects to sign the temporary driving permit at the bottom of such form, the Department shall issue a temporary driving permit to such person for the balance of the ~~30-45~~ days from the incident date. Such permit shall be subject to extension pursuant to Paragraphs (b) and (d) of this subsection.

### (2) Extension of 180-day temporary driving permit-

- (a) At the time a law enforcement officer takes a person's driver's license for a violation of O.C.G.A. 40-6-391 for which the officer has not initiated an administrative license suspension under O.C.G.A. 40-5-67.1, the officer shall issue a 180-day temporary driving permit.
- (b) This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked.
- (c) In the event the case has not been resolved within 180 days, the Department shall issue another 180-day temporary driving permit. Additional extensions may be issued for as long as the case remains pending at OSAH.
- (d) The Department shall extend the permit only upon receipt of documentation from the judge, clerk of court, or prosecutor from the court of jurisdiction stating that the case has not yet been adjudicated.

### (3) Replacement of lost, stolen or destroyed temporary driving permits-

- (a) In the event a customer's temporary driving permit is lost, stolen or destroyed, a replacement may be issued by the Commissioner's designee on a form designated by the Department upon receipt of a written request from the customer.
- (b) Customers seeking replacement of a 180-day temporary driving permit shall provide both a copy of the citation ~~from the Court~~ and documentation from the Court that such charge remains pending. Such permit shall be valid for the applicable period provided in paragraph ~~(1) or (2) of this regulation~~.

**Authority: O.C.G.A. § 40-5-4, 40-5-67, 40-5-67.1, 40-6-391.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to update rules to reflect current law and DDS practices.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

The 30-day temporary driving permit is updated to 45 days which reflects the law. This proposed amendment also clarifies that permits will not be extended beyond suspension or revocation for conviction.